

**MINUTES OF LAYTON CITY  
COUNCIL MEETING**

**JUNE 19, 2014; 7:00 P.M.**

**MAYOR AND COUNCILMEMBERS  
PRESENT:**

**MAYOR BOB STEVENSON, JOYCE BROWN, TOM  
DAY AND JOY PETRO**

**ABSENT:**

**JORY FRANCIS AND SCOTT FREITAG**

**STAFF PRESENT:**

**ALEX JENSEN, GARY CRANE, BILL WRIGHT,  
PETER MATSON, TERRY COBURN, KEVIN  
WARD AND THIEDA WELLMAN**

**The meeting was held in the Council Chambers of the Layton City Center.**

Mayor Pro Tem Brown opened the meeting and indicated that Mayor Stevenson would be a little late. She excused Councilmembers Freitag and Francis. Councilmember Brown led the Pledge of Allegiance. Gary Crane, City Attorney, gave the invocation. Scouts and students were welcomed.

**MINUTES:**

**MOTION:** Councilmember Petro moved and Councilmember Day seconded to approve the minutes of:

**Layton City Council Special Meeting – April 30, 2014; and  
Layton City Council Work Meeting – May 15, 2014.**

The vote was unanimous to approve the minutes as written.

**MUNICIPAL EVENT ANNOUNCEMENTS:**

Mayor Pro Tem Brown said Home Town Heroes would be recognizing Desert Storm veterans this year. She indicated that tomorrow was the last day to submit nominations; forms were available on the City's website or at any First National Bank branch.

Mayor Pro Tem Brown said this weekend the Sounds of Freedom celebration would be held in Commons Park. She said there would be a car show and vendors, and proceeds went to support military families.

Mayor Pro Tem Brown said the July 4th celebration was coming up and there were many activities that day. She said the Sunday before was the Voices of Liberty concert at the Ed Kenley Amphitheater where the Home Town Heroes were recognized. Mayor Pro Tem Brown said on July 4th activities started early with a fun run, breakfast, a flag ceremony, the parade, booths in the park, a concert and fireworks. She said there was more information on the City's website.

Councilmember Petro said there were still tickets available for the second Bill Cosby show.

Mayor Pro Tem Brown said there was more information on the Arts Council concerts on their website and there was a link on the City's website.

**CITIZEN COMMENTS:**

Alana Anderson 524 North Fairfield Road, Unit 1, expressed concerns with the development underway near Gentile Street and Fort Lane. She asked if the developers were planning to preserve or create arid pathways for the development. Ms. Anderson expressed concerns that some more fragile arid pathways were becoming heavily populated.

Mayor Pro Tem Brown explained what was planned in the Fort Lane area.

## **PRESENTATIONS:**

### **PROCLAMATION – LAYTON INDEPENDENTS WEEK**

Mayor Pro Tem Brown read a proclamation in support of independent businesses.

**Mayor Stevenson arrived at 7:14 p.m.**

## **CONSENT AGENDA:**

### **BID AWARD – ACME CONSTRUCTION INC. – ANTELOPE DRIVE INTERSECTION IMPROVEMENTS – CHURCH STREET AND OAK FOREST – RESOLUTION 14-38**

Terry Coburn, Public Works Director, said Resolution 14-38 authorized the execution of an agreement with Acme Construction for the Antelope Drive intersection improvements project. He said the project included the construction of a mini roundabout at Antelope Drive and Oak Forest, a roundabout at Antelope Drive and Church Street, and the relocation of associated utilities within these areas. Terry said the project would improve site distances, provide traffic calming, and create more efficient and safe intersections for vehicles and pedestrians. He said three bids were received with Acme Construction submitting the lowest responsive, responsible bid of \$885,262.65. Terry said Staff recommended approval.

Mayor Stevenson asked what the estimate for the project was.

Terry said the Engineer's estimate was approximately \$700,000.

### **ADOPT SANITARY SEWER MANAGEMENT PLAN – RESOLUTION 14-34**

Terry Coburn said Resolution 14-34 authorized the review and adoption of the Sanitary Sewer Management Plan. He said the Plan had been prepared by Bowen Collins & Associates, and reviewed and approved by the City Engineering Staff. Terry said the Plan was a written document that detailed how a public entity's sewer system was operated, maintained, repaired and funded so that the system could be more efficiently regulated. He said the Plan would meet the requirements of the State of Utah, Department of Environmental Quality, Division of Water Quality under Section 4317-801. Terry said a Sanitary Sewer Master Plan was being completed in conjunction with this Plan. He said Staff recommended approval of Resolution 14-34.

### **EASEMENT ENCROACHMENT AGREEMENT BETWEEN THE UNITED STATES OF AMERICA, UTAH DEPARTMENT OF TRANSPORTATION AND LAYTON CITY FOR THE INSTALLATION OF STREET LIGHT UTILITY – ANTELOPE DRIVE AND HIGHWAY 89 – RESOLUTION 14-42**

Gary Crane, City Attorney, said Resolution 14-42 authorized an agreement between the United States and the City. He said there were many facilities that were owned by the United States government relative to the Weber Basin Conservancy District. Gary said because these easements were owned by the Bureau of Reclamation, whenever the City encroached into those easements, they required that any entity encroaching have a separate agreement and any item encroaching into the easement to have a separate agreement. He said this agreement was specifically for street lighting on Antelope Drive and Highway 89. Gary said it would allow the City to encroach into their easements to install street lights. He said Staff recommended approval of Resolution 14-42.

Councilmember Brown said this item and the other item relative to roundabouts had to do with a UDOT project, which would connect Antelope Drive to Highway 89.

Gary said that was correct.

**MEMORANDUM OF UNDERSTANDING WITH WEBER BASIN WATER CONSERVANCY DISTRICT FOR INSTALLATION OF WATER LINE – RESOLUTION 14-43**

Gary Crane said Resolution 14-43 authorized the City to enter into a memorandum of understanding with the Weber Basin Water Conservancy District. He said Weber Basin was proposing to upgrade and install new waterlines within some of the City's streets. Gary said this involved about 6,500 lineal feet of waterline. He said Weber Basin would install the waterlines, compact the streets, and next year they would overlay the entire street so that the street would be as it was, or better, than before they began working on the waterlines. Gary said Staff recommended approval.

**OFF-PREMISE BEER RETAILER LICENSE – LAYTON FOOD MART INC. – 1365 NORTH HIGHWAY 89**

Kent Andersen, Economic Development Specialist, said this was an off-premise beer retailer license for Layton Food Mart located at 1365 North Highway 89. He said there had been a change in ownership which required a new license. Kent said the location met all buffer requirements and background checks had been approved by the Police Department. He said Staff recommended approval.

**FINAL APPROVAL EXTENSION REQUEST – TUSCANY VILLAS PRUD – APPROXIMATELY 1225 EAST GENTILE STREET**

Peter Matson, City Planner, said this was a final approval extension request for Tuscan Villas PRUD located at 1225 East Gentile Street. Peter displayed a plat map of the development, which included 40 multi-family dwelling units. Peter said the first plat for this project was approved in 2009, and an amended plat was approved in 2012. He said on June 25, 2013, the Zoning Administrator granted a 1 year extension that would expire on June 25, 2014. Peter said the developer was requesting an additional 1 year extension to find and secure an equity partner to get financing for the project. He said Staff recommended approval.

Mayor Stevenson said this had been ongoing since 2009.

Peter said the first final approval was in 2009.

Mayor Stevenson asked if the developer was present.

Peter said Mr. Lamano was not present.

Mayor Stevenson asked Peter to review the reasons Mr. Lamano gave for requesting the extension.

Peter said initially Mr. Lamano's purpose for the amended plat in 2013 was to break the proposal into phases for funding purposes. He said the extension last year was based on economic conditions and securing financing. Peter said in this request Mr. Lamano was seeking an equity partner to secure financing.

Mayor Stevenson asked if Mr. Lamano had gone through the engineering process.

Peter said yes; it had gone through the design review process and had received approval.

Mayor Stevenson said he wouldn't mind having Mr. Lamano be here. He said he would think Mr. Lamano would want to be here to represent himself.

**FINAL APPROVAL EXTENSION REQUEST – FERNWOOD SPRINGS PRIVATE SUBDIVISION – APPROXIMATELY 3200 EAST FERNWOOD DRIVE**

Peter Matson said this was a final approval extension request for the Fernwood Springs Private Subdivision located at approximately 3200 East Fernwood Drive. He said the project contained approximately 2 acres

and was zoned R-S. Peter said the proposal was to develop 4 lots that would incorporate an existing home. He displayed a map of the property. Peter said on July 18, 2013, the Council granted a one year extension and Mr. Brown was requesting an additional 1 year extension in order to confirm retaining wall plans and find a contractor specialized in hillside retaining walls. He said the property was in the sensitive lands overlay area and there was some topography involved with the property. Peter said Mr. Brown had indicated that the work required to complete this project had been challenging in securing a contractor that specialized in the required retaining walls. He said Staff recommended that the Council grant the extension request.

Councilmember Day asked when this was first approved and how many extensions had there been.

Peter said final approval of the project was granted at least two years ago; the Council granted a 1 year extension last year. He said there would have been a 1 year extension granted by the Zoning Administrator 1 year prior to that. Peter said this involved some fairly specialized work that needed to be completed, including the retaining wall.

Mayor Stevenson asked how big the retaining wall would be.

Peter said he didn't have the entire project file, but the plat did identify a Weber Basin waterline easement through the property, and a fault setback was required. He said he thought the retaining wall was quite extensive.

Councilmember Petro asked if it was 3 or 5 lots.

Peter said there was one existing home and there would be 4 new lots.

Mayor Stevenson asked if Mr. Brown lived in the area.

Peter said yes; in the existing house.

**FINAL PLAT APPROVAL – WEAVER MEADOWS SUBDIVISION PHASE 4B – APPROXIMATELY 350 WEST 650 SOUTH**

Peter Matson said this was final plat approval for the Weaver Meadows Subdivision, Phase 4B, located at approximately 350 West 650 South. Peter identified the property on a map. He said this phase contained 5.24 acres and the proposal was to develop 22 lots. Peter said the property was located in an R-1-8 zone, which had a minimum lot size of 8,000 square feet. He said Kays Creek ran through the area and the Kays Creek Trail would be located on the south side of the creek and run through the development. Peter said there were flood plain restrictions on some of the lots along the creek.

Peter said 650 South would connect Layton Parkway across the creek and connect south into the Whispering Willows Subdivision and provide a nice neighborhood connection. He said the Parks Department was working with the developer, Perry Homes, for a trail head location. Peter said the Planning Commission recommended approval and Staff supported that recommendation.

Mayor Stevenson said he would like the two final approval extension requests, Items F and G, voted on separately.

**MOTION:** Councilmember Brown moved to approve Items A, B, C, D, E and H of the Consent Agenda as presented. Councilmember Day seconded the motion, which passed unanimously.

Councilmember Day said if Item F was allowed to expire, would the developer have to go through the entire approval process again.

Gary Crane said yes; they would bring an application to the City again for the same project. He said they probably wouldn't have to redo the engineering unless there had been a change in the ordinance, but they

would have to re-file the application and pay the fee.

Mayor Stevenson said the Council could table these and ask the developer to come in to answer any questions.

Councilmember Day said if it was tabled to the next meeting, it would have already expired.

Gary said the Council could leave it valid until they had the opportunity to consider it again. He said the decision tonight would be to not allow it to lapse, but bring it back on a certain date for consideration.

Councilmember Day asked if there should be a date certain stipulated.

Gary said that would be a good idea.

Mayor Stevenson suggested the second meeting in July.

Gary asked if both items expired before the July 17th meeting.

Peter said the Tuscany Villas would expire on June 25th and Fernwood Springs would expire on July 18th.

Councilmember Petro asked if this would be the third extension for Tuscany Villas.

Peter said the Zoning Administrator granted the extension from 2013 to 2014; this would be the Council's first extension and the second overall extension on the amended plat.

**MOTION:** Councilmember Day moved to table Items F and G of the Consent Agenda to July 17, 2014, and provide that neither expire until that time. Councilmember Petro seconded the motion, which passed unanimously.

## **PUBLIC HEARINGS:**

### **ORDINANCE AMENDMENT – TITLE 19, CHAPTER 19.02, SECTION 19.02.020 DEFINITIONS; CHAPTER 19.06, SECTION 19.06.010 TABLE 6-1 AND TABLE 6-2; AND SECTION 19.06.220 REGULATIONS SPECIFIC TO SMALL DEALERSHIPS – ORDINANCE 14-08**

Peter Matson said Ordinance 14-08 was a proposed ordinance amendment affecting Title 19 relative to small automobile dealerships. He said over the last couple of years the Planning Commission had approved several conditional use permits for small scale auto sales in commercial and manufacturing zones. Peter said the impact of small scale auto sales was considerably less than a traditional auto dealership. He said the Planning Commission and Staff determined that it would be more efficient and effective to establish a separate land use category for small dealerships, allow them as a permitted use, and provide for an administrative review and approval process.

Peter said Ordinance 14-08 proposed amendments to Title 19 providing a definition and a land use category for small dealerships together with regulations specific to small dealerships. He said small dealerships were proposed as a permitted use in the CP-3, C-H, M-1 and M-2 zones and would be approved administratively by Staff. Peter said traditional dealerships would continue to be addressed through the conditional use process.

Peter said the ordinance removed traditional dealerships from the M-1 zone. He said there had been an increasing concern for the number of dealerships locating in the M-1 zone. Peter said the M-1 zone was limited to either side of Fairfield Road, north of 2500 North, and in a couple of other areas in the City. He said many of the M-1 zones were in close proximity to residential areas and may not be suitable for a traditional sized dealership. Peter said this change would effectively make two existing dealerships legal, nonconforming businesses.

Peter said the general guidelines for the small dealerships were that they include no more than two vehicles displayed outside at one time; any other vehicles for sale would be stored inside a building; vehicles displayed outside would be located in an improved, striped parking stall; vehicles displayed outside would not have any attached signage other than the owner would be allowed to place writing on no more than two of the vehicle's windows; temporary signage would not be allowed; the vehicles displayed outside had to be in working order; vehicle repair associated with these uses may need additional permits and approvals; and fire safety code had to be followed relative to storing vehicles inside a building. He said the Planning Commission recommended approval and Staff supported that recommendation.

Councilmember Brown said this would allow for these small dealerships to not go before the Planning Commission for approval; they would be approved administratively by Staff.

Peter said that was correct.

Mayor Stevenson asked if there were any concerns expressed by dealerships.

Peter said no; there had been input over the last little bit from some of the small dealerships indicating that these would be nice changes.

**Mayor Stevenson opened the meeting for public input.**

Alana Anderson, 524 North Fairfield Road, Unit 1, said smaller dealerships sounded like a good idea for the corridor; it was a lot better for alleviating some of the larger parking lots.

**MOTION:** Councilmember Brown moved to close the public hearing and approve the amendments to the zoning ordinance relative to small dealerships, Ordinance 14-08. Councilmember Day seconded the motion, which passed unanimously.

**The meeting adjourned at 7:55 p.m.**

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Thieda Wellman, City Recorder